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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 09/786,078
Inventor(s) : Connor et al.
Filed : Feb. 28, 2001
Art Unit : 1764
Examiner : Brian Mruk
Docket No. : 7262L\$
Confirmation No. : 8483
Customer No. : 27752
Title : Processes for Making Surfactants via Absorptive
Separation and Products Thereof

PETITION TO WITHDRAW APPLICATION FROM ISSUE
PETITION UNDER 37 C.F.R. 1.313(c)

Mail Stop 313(c)
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Submitted to the Office of Petitions via Fax (571) 273-8300

Pursuant to 37 C.F.R. 1.313(c), withdrawal of the above-identified application from issue after the payment of the issue fee is hereby requested so that the application can be abandoned to permit consideration of an Information Disclosure Statement submitted with:

☒ [X] A Request for Continued Examination under 37 C.F.R. 1.114.

Authorization is hereby given to charge the required fees or any additional fees that may be required, or credit any overpayment, to Deposit Account No. 16-2480 in the name of The Procter & Gamble Company. It is also requested that the amount of the issue fee paid on the above-identified application be credited to the above deposit account.

Background

This petition requests the withdrawal of the above-identified application from issue, despite the fact that Applicants have submitted the Issue Fee. This petition is related to a previous Petition for Revival of an Application for Patent Abandoned Unavoidable under 37

C.F.R. §1.137(a) filed December 7, 2005 and granted by the Office of Petitions on December 13, 2005. In the letter granting the previous petition (attached), the Office found that U.S. P.T.O. mailed a Notice of Allowance in this case to the incorrect address. As a result Applicants never received the Notice of Allowance and the application was eventually abandoned for failing to pay an issue fee. Since, as required by procedure, Applicants had enclosed payment of the issue fee with its Petition to Revive from Abandonment, the application was referred to the Publishing Division for processing of the application into a Patent.

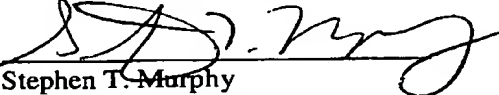
However, during the period of time between the erroneous mailing of the Notice of Allowance on July 8, 2004 and the receipt by Applicants of the Notice of Abandonment identifying the problem on June 8, 2005, Applicants had filed two Supplemental Information Disclosure Statements on January 7, 2005 and April 28, 2005. Since at the time Applicants were unaware of the Notice of Allowance the Supplemental Information Disclosure Statements were filed without a 37 CFR §1.97(e) statement since the IDS's were filed under 37 C.F.R. 1.97(c) as being filed before mailing of the Notice of Allowance.

On February 13, 2007 the Examiner of the Application sent an Office Communication informing the Applicants that the 1/7/05 and 4/28/05 Information Disclosure Statements are not being considered "because they lack a statement as specified in 37 CFR 1.97(e)." Applicants would like the art submitted in the two supplemental IDS's considered by the Examiner before a patent issues from the application.

Therefore, Applicants hereby petition that the Patent Application 09/786,078 be withdrawn from issue. Applicants request this withdrawal in order to file a Request for Continued Examination under 37 C.F.R. §1.114 which will allow for the previously submitted references to be considered. Applicants believe this Petition is warranted since the present problem is a direct result of the same incorrect handling of Applicants' change of correspondence filed July 9, 2001, that was addressed in the previous Petition.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By 
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Date: April 10, 2007
Customer No. 27752